XI-HC—78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A (C) 242 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO.242/2006

Single Bench : Hon'ble Shri Dhirendra Mishra, J

APPELLANT
(Insurer)

The Oriental Insurance Company Limited, through the Divisional Manager, Division Office, Main Road, Jagdalpur (C.G.)

VERSUS

RESPONDENT
Claimant

1. Krishan Kumar,
Banjara S/o Dhan Singh,
aged about 31 years

2. Smt. Shanti Banjara
aged about years,

(Both respondents Resident of Bus stand Bhairmgarh, P.S. Bhairamgarh, Dist. Dantewada (C.G.))

Owner of vehicle

3. Shri Manoj Kumar,
Kashyap S/o Mahendra Nath Kashyap Village-Heeranar, Gidam, Dist. Dantewada (C.G.)

Driver of vehicle

4. Shri Ghasuram Manzhi
S/o Shri Ludu Manzhi,
aged about 38 years,
resident of Sanjay Para,
Bhairamgarh, Dist. Dantewada (C.G.)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Present: Mr. Ghanshyam Patel, counsel for the appellant.
None for the respondents.

07.05.2007

Heard on M.C.P.No.1712/2006, application for condonation of delay in filing this appeal as the same has been preferred with a delay of 136 days as per office note dated 12.4.2006.

Reasons assigned for filing this appeal belatedly are that the file was sent for according permission to the Regional Office, Indore and after obtaining permission, it was received by the Division Office, Raipur and thereafter it was received by the Division Office, Bilaspur on 29.11.2005. However, the appeal could not be filed thereafter as the certified copy of the impugned award and mandatory receipt were missing and only after tracing the certified copy of the impugned award, the instant appeal has been filed.

From perusal of the application for condonation of delay, it is evident that there was recklessness and negligence on the part of officers of the appellant in pursuing the matter for filing the instant appeal in time and the grounds mentioned in the above application cannot be considered to be bonafide and sufficient for condoning the delay. Accordingly, the application for condonation of delay is rejected.

Consequently, the appeal is also dismissed as barred by limitation.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246— 2/2007 — 50,000.